

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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IN THE MATTER OF THE APPLICATION :
FOR AN ORDER SEEKING DISCOVERY :
UNDER 28 U.S.C. § 1782. :
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1:24-mc-152-GHW

ORDER

GREGORY H. WOODS, United States District Judge:

On May 16, 2024, Magistrate Judge Gary Stein issued a Report and Recommendation (“R&R”) recommending that the Court deny without prejudice applicant Carlos Lazo Reyes’s (“Lazo”) *ex parte* application seeking certain discovery pursuant to 28 U.S.C. § 1782. Dkt. No. 16 (R&R); *see also* Dkt. Nos. 5, 13.¹

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within fourteen days of receiving a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). The Court reviews for clear error those parts of the report and recommendation to which no party has timely objected. 28 U.S.C. § 636(b)(1)(A); *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).

No party has raised specific, written objections to the R&R. On May 30, 2024, Lazo filed a new, revised application for discovery. Dkt. No. 18. On the same day, he also filed an objection to the R&R. Dkt. No. 19 (“Objection”). The Objection contains no actual argument regarding the

¹ This matter was initially filed under seal, subject to a provisional ruling by Judge Sidney H. Stein, while sitting as a Part I judge. Dkt. No. 1 (order of seal). This Court subsequently directed that the matter be unsealed, Dkt. No. 4, and Lazo’s application for discovery was refiled by the Clerk of Court at Dkt. No. 5. Lazo also refiled his application and proposed order, mistakenly labeled as a “motion to seal” on the docket, at Dkt. No. 13.

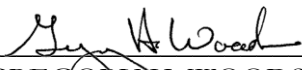
R&R and simply states that it “is being filed to preserve Mr. Lazo’s rights . . .” *Id.* But a “bare statement, devoid of any reference to specific findings or recommendations to which [the party] objected and why, and unsupported by legal authority, [is] not sufficient to preserve the . . . claim.” *Mario v. P&C Food Markets, Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Although [appellant] filed objections to the magistrate’s report and recommendation, the statement with respect to his Title VII claim was not specific enough to preserve this claim for review.”).

Accordingly, the Court has reviewed the R&R for clear error and finds none. *See Braunstein v. Barber*, No. 06 Civ. 5978 (CS) (GAY), 2009 WL 1542707, at *1 (S.D.N.Y. June 2, 2009) (explaining that a “district court may adopt those portions of a report and recommendation to which no objections have been made, as long as no clear error is apparent from the face of the record”). For the reasons articulated in Judge Stein’s thorough and well-reasoned R&R, Lazo’s objections to the R&R are overruled, the R&R is adopted in full, and Lazo’s § 1782 application, Dkt. Nos. 5, 13, is denied without prejudice. Lazo’s amended application for discovery, Dkt. No. 18, remains referred to Judge Stein for his consideration.

The Clerk of Court is directed to terminate the motions pending at Dkt. Nos. 5, 13.

SO ORDERED.

Dated: June 5, 2024



 GREGORY H. WOODS
 United States District Judge